

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL MEMORANDUM

HB 814 – SB 1244

March 11, 2009

SUMMARY OF AMENDMENT (004741): Deletes all language after the enacting clause. Creates a new Class C felony offense for a person who is infected with hepatitis B (HBV) or hepatitis C (HCV) knowingly to expose another person to these viruses through intimate contact or other means.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$156,900/Incarceration*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures - \$313,700/Incarceration*

Assumptions applied to amendment:

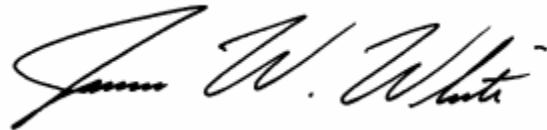
- According to the Department of Correction (DOC), there has been an average of three admissions for criminal exposure to human immunodeficiency (HIV) in each of the past 10 years. DOC estimates an additional four Class C felony convictions per year as a result of this bill. Two convictions per year for criminal exposure to HBV and two convictions per year for criminal exposure to HCV. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on four offenders.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period.
- According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80. According to DOC, the average post-conviction time served for a Class C felony is 3.59 years. The cost per offender at 3.59 years is \$78,426.50 (\$59.80 x 1,311.48 days). The total additional operating cost for four offenders is \$313,706 (\$78,426.50 x4).

- Since this bill creates a new offense, no recidivism discount has been included.
- Any impact on caseloads for the state trial courts can be accommodated within existing resources.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc